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REMARKS

This application is rejected under 35 U.S.C. § 112, first paragraph, for the reasons noted in the official action. The inadequate written description rejection is acknowledged and respectfully traversed in view of the following remarks.

With respect to this rejection, claim 15 is cancelled while claim 19 is amended to delete the objected to language from that claim--specifically the weight average limitation has been cancelled--thereby overcoming the raised 35 U.S.C. § 112, first paragraph, rejections.

Claims 10-14 and 16 are rejected, under 35 U.S.C. § 102(e), as being anticipated by or, in the alternative under 35 U.S.C. 103(a) as obvious over Duvall et al. '442; claims 10, 11, 13, 14, 16 and 18 are rejected, under 35 U.S.C. § 102(b), as being anticipated by or, in the alternative under 35 U.S.C. 103(a) as obvious over either Mercer et al. '824 or Mercer et al. '138; claims 10-14 and 16-18 are rejected, under 35 U.S.C. § 102(e), as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nguyen '422; and claims 10-14 and 16-18 are rejected, under 35 U.S.C. § 103(a), as obvious over Nguyen '422 and Kanda et al. '640. The Applicant acknowledges and respectfully traverses the raised anticipatory and obviousness rejections in view of the following remarks.

Claims 10 and 15 are canceled, without prejudice, from this application while claims 11-14, 16 and 17 are amended to depend from claim 19. In view of such amendment, it is respectfully submitted that all of the raised rejections in view of the above cited art are overcome.

Lastly, claims 10-19 are rejected, under 35 U.S.C. § 103(a), as obvious over Nguyen '422 and Mercer et al. '824. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the following remarks.

Independent claim 19, the sole pending independent claim of this application, recites that the thermally conducted material comprises "an unvulcanized EPDM material" which neither Nguyen '422 nor Mercer et al. '824 in any way teaches, suggests or discloses.

In the advisory action mailed April 20, 2004, the Examiner suggests that Nguyen '422 teaches in Table 1, use of ethylene propylene rubber Trilene CP40 and states that as a liquid,

Trilene CP40 is an unvulcanized rubber and further that use of ethylene propylene rubbers EPR and EPDM are taught in col. 2, Ins. 19-20. In fact, Trilene CP 40 is not an EPDM as suggested by the Examiner--it is, however, an EPM. After researching this composition and contacting Uniroyal Chemical, it has been confirmed that Trilene CP 40 is an EPM containing ethylene and propylene. As Trilene CP40 is no longer available, a product data sheet for Trilene CP 80, supplied by Uniroyal Chemical, accompanies this response and is enclosed for consideration by the Examiner.

The Applicant realizes that Trilene CP 40 is not the same product as Trilene CP80. Nevertheless, after contacting a representative at Uniroyal Chemical, the Applicant learned the difference between the two products is merely a difference in molecular weight.

As the Examiner is well aware there are two types of ethylene-propylene rubbers. First there is EPM which is a copolymer of ethylene and propylene. This first type of ethylene-propylene rubbers is, for example, Trilene CP40 which was briefly commented on above and named in Nguyen `422 (cited by the Examiner). This first type is used by adding to commodity resins such as polypropylene in order to improve resistance to impact. The second type of ethylene-propylene rubbers is EPDM, a ternary copolymer consisting of ethylene, propylene and diene monomer for cross-linking. The second type can be vulcanized and is broadly used for industrial purposes. It is the second type of ethylene-propylene rubber, EPDM, which is currently recited in the currently pending claims.

Nguyen `422 is not believed to in any way teach, disclose or suggest this claimed feature of EPDM. In addition, Mercer `824 seems to teach away from the use of unvulcanized EPDM in col 1, Ins. 54-58, where it states that the monomer (EPDM) is undesirable because of it tends to harden with age. The EPDM used by Mercer `824 is a maleic anhydride-modified EPDM. It is respectfully submitted that this form of EPDM is structurally different than the currently claimed "unvulcanized EPDM." In view of this, the Applicant respectfully submits that the raised rejection in view of Nguyen `422 and/or Mercer et al. `824 should be withdrawn at this time.

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The Applicant acknowledges that the references of Nguyen '422 and Mercer et al. '824 may arguable relate to many of the features indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of both of these reference still fails to in any way teach, suggest or disclose the above distinguishing feature of the "unvulcanized EPDM," as presently recited. As such, all of the raised rejections should be withdrawn at this time in view of the above amendments and remarks.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Duvall et al. '442, Mercer et al. '824, Nguyen '422 and/or Kanda et al. '640 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.


The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.



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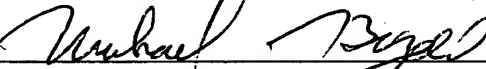
Respectfully submitted,


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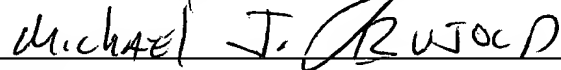
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MICHAEL J. BUJOLD

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TRILENE[®] CP80

An Ethylene-Propylene Liquid Copolymer

Typical Properties

| | |
|---|-------------|
| Color | Pale Yellow |
| Ash | <0.1% |
| Volatiles 100°C (212°F) | <0.5% |
| Specific Gravity | 0.86 |
| Molecular Weight (Viscosity Average) | 7200 |
| Brookfield Viscosity (cps, RVT #7) | |
| @ 60°C (140°F) | 500,000 |
| @ 100°C (212°F) | 76,000 |
| Degree of Unsaturation | None |
| Ethylene/Propylene | 43/57 |

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